

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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SHIQIANG GAO and JIANMIN PENG

Plaintiffs,

-against-

**UMI SUSHI, INC. d/b/a Umi Sushi; LIN XIE CORP.
d/b/a Dai Hachi Sushi; DAI HACHI SUSHI
CORPORATION d/b/a Dai Hachi Sushi; LUO KUN
ZHENG, and LING XIE,**

Defendants.

18-CV-6439 (ALC)(SN)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

X
ANDREW L. CARTER, JR., District Judge:

On June 17, 2022, this matter was referred to United States Magistrate Judge Sarah Netburn for an inquest after default/damages hearing. ECF No. 111. The Court now considers the Report and Recommendation issued by Magistrate Judge Netburn on Jan. 31, 2023, recommending that Defendants be found liable for \$206,103.76 plus applicable interest. ECF No. 121.

Despite notification of the right to object to the Report and Recommendation, Defendants have filed no objections. Where no timely objections are made, the Court may adopt the Report and Recommendation as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003)). In light of the lack of any objections to the Report and Recommendation and the fact that Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety.

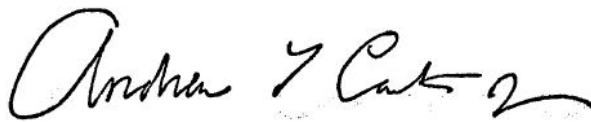
For the reasons stated in the Report and Recommendation at ECF No. 121, Defendants are liable for \$206,103.76 plus applicable interest, as follows:

- (1) \$13,050.55 in back pay and spread-of-hours damages to Plaintiff Gao, plus nine percent prejudgment simple interest, calculated from January 26, 2018, to the date of judgment;
- (2) \$72,708.68 in back pay and spread-of-hours damages to Plaintiff Peng, plus nine percent prejudgment simple interest, calculated from February 8, 2017, to the date of judgment;
- (3) \$13,050.55 in liquidated damages to Plaintiff Gao;
- (4) \$72,708.68 in liquidated damages to Plaintiff Peng;
- (5) \$32,466.68 in attorneys' fees; and
- (6) \$2,118.62 in costs.

Post-judgment interest shall be calculated from the day the Clerk of Court enters judgment until the date of payment by Defendants, using the federal interest rate set forth in 28 U.S.C. § 1961. The Clerk of Court is respectfully directed to enter judgment and close the open motion at ECF No. 115.

SO ORDERED.

Dated: New York, New York
February 17, 2023

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", with a stylized flourish at the end.

ANDREW L. CARTER, JR.
United States District Judge